



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Christine Kim, Treasurer  
National Committee to Preserve Social Security  
and Medicare PAC  
10 G Street, NE, Suite 600  
Washington, DC 20002-4215

**MAR 20 2018**

RE: MUR 7131  
National Committee to Preserve  
Social Security and Medicare  
PAC and Christine Kim in her  
official capacity as treasurer

Dear Ms. Kim:

On September 1, 2016, the Federal Election Commission notified the National Committee to Preserve Social Security and Medicare PAC and you in your official capacity as treasurer ("NCP-PAC") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On October 20, 2016, the Commission notified NCP-PAC of a supplemental complaint in this matter. Copies of the complaint and the supplemental complaint were provided to NCP-PAC at that time. On March 6, 2018, the Commission found, on the basis of the information in the complaint and supplemental complaint, and information provided by NCP-PAC, that there is no reason to believe that NCP-PAC violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to this case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters. 81 Fed. Reg. 50,702 (August 2, 2016). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

1800-444-6001

Sincerely,

Mark Allen

**Enclosure**  
**Factual and Legal Analysis**

## **FEDERAL ELECTION COMMISSION**

### **FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: National Committee to Preserve Social Security  
and Medicare PAC and Christine Kim in her  
official capacity as treasurer

MUR 7131

#### **I. INTRODUCTION**

The Complainant in this matter alleges that the National Committee to Preserve Social Security and Medicare PAC ("NCP-PAC") coordinated its actions with Senior Votes Count ("SVC"), a non-connected committee, to support Representative Carol Shea-Porter, a candidate for reelection in the First Congressional District of New Hampshire in 2014. NCP-PAC denies that it coordinated with SVC. For the reasons below, the Commission finds that there is no reason to believe that NCP-PAC violated the Federal Election Campaign Act of 1971, as amended (the "Act").

#### **II. FACTUAL AND LEGAL ANALYSIS**

The Act defines "contribution" to include "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office."<sup>1</sup> "Anything of value" includes all in-kind contributions and, unless otherwise exempted, the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services.<sup>2</sup>

Complainant alleges that NCP-PAC coordinated with SVC by announcing its support for Shea-Porter on the same day that SVC made independent expenditures on behalf of Shea-Porter, and that NCP-PAC made a contribution to Shea-Porter's campaign because two of SVC's

<sup>1</sup> 52 U.S.C. § 30101(8)(A)(i).

<sup>2</sup> 11 C.F.R. § 100.52(d)(1).

founders previously worked at NCP-PAC.<sup>3</sup> NCP-PAC asserts that its only contribution to Shea-Porter during the 2014 election cycle was on September 26, 2013, more than a year before the alleged coordination, and six months before SVC's establishment.<sup>4</sup> NCP-PAC also asserts that SVC's founders worked at NCP-PAC in 2012 and 2013, which was also well before SVC's establishment and the alleged coordination.<sup>5</sup> The alleged relationships, without more, do not indicate any in-kind contribution by NCP-PAC to SVC or to Shea-Porter. Therefore, in this matter, the Commission finds that there is no reason to believe that the National Committee to Preserve Social Security and Medicare PAC violated the Act.

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<sup>3</sup> Compl. at 25.

<sup>4</sup> NCP-PAC Resp. at 1. *See also* NCP-PAC's 2013 October Monthly Report at 17 (Oct. 7, 2013).

<sup>5</sup> NCP-PAC Resp. at 2.